

State Mandated Reporting Guidelines For Staff of RCFE and Other Community Care Facilities

Prepared by WISE & Healthy Aging Long-Term Care Ombudsman Program



State Mandatory Reporting 2013: Welfare & Institutions Code 15610.67

If a mandated reporter observes, has knowledge of, or reasonably suspects: ABANDONMENT, ABDUCTION, ISOLATION, FINANCIAL ABUSE, or NEGLECT has occurred to a resident of a long-term care facility they must report by telephone as soon as possible to the **ombudsman program or law enforcement** and send a written report within two days.

If a mandated reporter observes, has knowledge of, or reasonably suspects: PHYSICAL ABUSE (including assault, battery, sexual assault, unreasonable physical constraint, improper use of a physical or chemical restraint or psychotropic drugs W&I Code 15610.63) and:

Serious bodily injury has occurred, a telephone report must be made immediately to law enforcement and a written report on an SOC 341 must be made to the ombudsman and law enforcement and licensing.

No serious bodily injury has occurred. A telephone report must be made within 24 hours to law enforcement and a written report on an SOC 341 must be made in 24 hours to the ombudsman, and law enforcement, and licensing.

The alleged abuse was **caused by a resident diagnosed with dementia** by a physician and no serious bodily injury resulted. A telephone report must be made immediately or as practicably possible to the ombudsman or law enforcement and a written report on an SOC 341 must be made in 24 hours to the ombudsman or law enforcement.

Failure to report is a misdemeanor punishable by up to six months in County jail and/or up to \$1,000 fine. If the failure to report abuse/neglect results in death or great bodily injury, it is punishable up to a year in a county jail and/or up to a \$5,000 fine. (W&I Code 15610.67)

Additional Facility Requirements

RCFE's have an obligation to report allegations of suspected abuse to Community Care Licensing under Title 22-87561.

Conclusion

The mandatory reporting system is complex and confusing. To ensure compliance, the ombudsman program recommends making reports to the ombudsman program, law enforcement, and licensing in all situations. This will ensure that all mandated reporters are fulfilling their reporting responsibilities.